

SENATE BILL 1492
By Harper

AN ACT to amend Tennessee Code Annotated, Title 4, Chapter 3, Part 7, relative to state energy efficiency standards.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 4, Chapter 3, Part 7, is amended by adding the following language as new, appropriately designated sections:

4-3-715. As used in this section and §§ 4-3-715 through 4-3-724 unless the context otherwise requires:

(1) "Automatic commercial ice-maker" means a factory-made assembly (not necessarily shipped in one package) consisting of a condensing unit and ice-making section operating as an integrated unit, with means for making and harvesting ice. It may also include means for storing or dispensing ice, or both;

(2) "Commercial clothes washer" means a soft mount front-loading or soft mount top-loading clothes washer that is designed for use in (A) applications where the occupants of more than one (1) household will be using it, such as in multi-family housing common areas and coin laundries; or (B) other commercial applications, if the clothes container compartment is no greater than 3.5 cubic

feet for horizontal-axis clothes washers, or no greater than 4.0 cubic feet for vertical-axis clothes washers.

(3) "Commissioner" means the commissioner of the department of economic and community development;

(4) "Illuminated exit sign" means an internally-illuminated sign that is designed to be permanently fixed in place and used to identify an exit; a light source illuminates the sign or letters from within, and the background of the exit sign is not transparent;

(5) "Large packaged air-conditioning equipment" means packaged air-conditioning equipment over 20 tons of cooling capacity;

(6) "Low-voltage dry-type distribution transformer" means a distribution transformer that: (A) has an input voltage of 600 volts or less; (B) is air-cooled; and (C) does not use oil as a coolant;

(7) "Packaged air-conditioning equipment" means air-conditioning equipment that is built as a package and shipped as a whole to end-user sites;

(8) "Refrigerated beverage vending machine" means a machine that cools bottled or canned beverages and dispenses them upon payment;

(9) "Set-top box" means a commercially available electronic product whose purpose is to receive, send, process, translate and/or record signals that are then sent to a television or similar display device for viewing or to a computer for processing;

(10) "Torchiere (lighting) fixture" means a portable electric lighting fixture with a reflector bowl giving light directed upward so as to give indirect illumination;

(11) "Traffic signal" means a device consisting of a set of signal lights operating in sequence, placed at intersections to regulate traffic;

(12) "Traffic signal module" means a standard 8-inch (200mm) or 12-inch (300mm) round traffic signal indication. It consists of a light source, lens and all parts necessary for operation and communicates movement messages to drivers through red, amber and green colors. Arrow modules in the same colors are used to indicate turning movements.

(13) "Transformer" means a device consisting essentially of two (2) or more coils of insulated wire that transfers alternating current by electromagnetic induction from one coil to another in order to change the original voltage or current value;

(14) "Unit heater" means a self-contained fan-type heater designed to be installed within the heated space. Unit heaters include an apparatus or appliance to supply heat and a fan for circulating air over a heat exchange surface, all enclosed in a common casing. Unit heaters do not include 'warm air furnaces' as specifically defined under the federal Energy Policy Act of 1992;

4-3-715. The provisions of this act apply to the testing, certification and enforcement of efficiency standards for the following types of new products sold, offered for sale or installed in the state:

- (1) Torchiere (lighting) fixtures;
- (2) Unit heaters;
- (3) Low-voltage dry-type distribution transformers;
- (4) Refrigerated beverage vending machines;
- (5) Traffic signal modules;
- (6) Illuminated exit signs;
- (7) Automatic commercial ice-makers;
- (8) Large packaged air-conditioning equipment;
- (9) Set-top boxes;

(10) Commercial clothes washers; and

(11) Such other products as may be designated by the commissioner in accordance with § 4-3-719.

4-3-716. The provisions of this act do not apply to:

(1) New products manufactured in the state and sold outside the state;

(2) New products manufactured outside the state and sold at wholesale inside the state for final retail sale and installation outside the state;

(3) Products installed in mobile manufactured homes at the time of construction; or

(4) Products designed expressly for installation and use in recreational vehicles.

4-3-717. Not later than January 1, 2004, the commissioner, in consultation with the energy advisory board shall adopt regulations, in accordance with the uniform Administrative Procedures Act, Title 4, Chapter 5, establishing minimum energy efficiency standards for the types of new products set forth in § 4-3-715. The regulations shall provide for the following minimum efficiency standards:

(1) Torchiere fixtures shall not consume more than 190 watts and shall not be capable of operating with lamps that total more than 190 watts.

(2) Unit heaters shall not have pilot lights and shall have either power venting or an automatic flue damper.

(3) The efficiency of all low-voltage dry-type distribution transformers shall be not less than the values shown in Table 4-2 of National Electrical Manufacturers Association Standard TP-1-1996.

(4) Through December 31, 2005, refrigerated beverage vending machines that are illuminated shall use T-8 fluorescent lamps with electronic ballasts or a lighting system of equal or greater efficacy. After January 01, 2005,

the 24-hour energy consumption (whole machine) of a refrigerated beverage vending machine shall meet the whole machine performance standards established by the commissioner after reviewing the standards adopted by the California energy commission (the "CEC").

(5) Traffic signal modules shall meet the requirements of the "Energy Star Program Requirements for Traffic Signals" developed by the U.S. environmental protection agency and that took effect in February, 2001.

(6) Illuminated exit signs shall meet the requirements of the "Energy Star Program Requirements for Exit Signs" developed by the U.S. Environmental protection agency and that took effect on January 1, 1999.

(7) Automatic commercial ice-makers shall meet the requirements of the "Commercial Ice-Maker Efficiency Recommendation" developed by the federal energy management program of the U.S. Department of Energy and dated November, 2000.

(8) Large packaged air-conditioning equipment shall meet standards established by the commissioner after reviewing the Tier II requirements of the "Minimum Equipment Efficiencies for Unitary Commercial Air Conditioners" and "Minimum Equipment Efficiencies for Heat Pumps" developed by the Consortium for Energy Efficiency, Boston, Massachusetts, as in effect on January 1, 2002.

(9) Set-top boxes shall meet the requirements of the "Energy Star Program Requirements for Set-top Boxes" developed by the U.S. environmental protection agency and that took effect on January 1, 2001.

(10) Commercial clothes washers shall meet the standards established by the commissioner after reviewing the requirements shown in Table P-3 of Section 1605.3 of the California Code of Regulations, Title 20: Division 2, Chapter 4, Article 4, Sections 1601-1608: Appliance Efficiency Regulations.

4-3-718. On or after January 1, 2005, no new product of a type set forth in § 4-3-715 may be sold or offered for sale in the state unless the energy efficiency of the new product meets or exceeds the efficiency standards set forth in the regulations adopted pursuant to § 4-3-717. On or after January 1, 2006, no new product of a type set forth in § 4-3-715 may be installed in the state unless the energy efficiency of the new product meets or exceeds the efficiency standards set forth in the regulations adopted pursuant to § 4-3-717.

4-3-719. The commissioner may establish increased efficiency standards on the products listed in § 4-3-715. The commissioner may also establish standards for products not specifically listed in § 4-3-715. In considering such new or amended standards, the commissioner, in consultation with the energy advisory board, shall set efficiency standards upon a determination that increased efficiency standards would serve to promote energy conservation in the state and would be cost-effective for consumers who purchase and use such new products, provided no new or increased efficiency standards shall become effective within one (1) year following the adoption of any amended regulations providing for such increased efficiency standards. The commissioner may apply for a waiver of federal preemption in accordance with federal procedures (see 42 U.S.C. 6297 (d)) for those products regulated by the federal government. The commissioner may adopt such further regulations as necessary to implement the provisions of this act.

4-3-720. The commissioner, in consultation with the energy advisory board, shall adopt procedures for testing the energy efficiency of the new products covered by § 4-3-715 if such procedures are not provided for in the state building code. The commissioner shall use U.S. department of energy approved test methods, or in the absence of such test methods, other appropriate nationally recognized test methods. The manufacturers of such products shall cause samples of such appliances to be tested in accordance with

the test procedures adopted pursuant to this act or those specified in the state building code.

4-3-721. Manufacturers of new products covered by § 4-3-715 of this act shall certify to the commissioner that such products are in compliance with the provisions of this act. The commissioner shall promulgate regulations governing the certification of such products and may propose to work in coordination with the certification program of other states with like standards.

4-3-722. The commissioner may test products covered by § 4-3-715 using an accredited testing facility. If products so tested are found not to be in compliance with the minimum efficiency standards established under § 4-3-717, the commissioner shall:

(1) Charge the manufacturer of such product for the cost of product purchase and testing, and

(2) Provide information to the public on products found not to be in compliance with the standards.

4-3-723. The commissioner may cause periodic inspections to be made of distributors or retailers of new products covered by § 4-3-715 of this act in order to determine compliance with the provisions of this act. The commissioner shall also work with the state fire marshal's office to coordinate inspections for new products that are also covered by the state building code.

4-3-724. The commissioner shall cause investigations to be made of complaints received concerning violations of this act and shall report the results of such investigations to the attorney general. The attorney general may institute proceedings to enforce the provisions of this act. Any manufacturer, distributor or retailer who violates any provision of this act shall be issued a warning by the commissioner for any first violation. Repeat violations shall be subject to a civil penalty of not more than two hundred and fifty dollars (\$250). Each violation of this act shall constitute a separate

offense, and each day that such violation continues shall constitute a separate offense.

Penalties assessed under this act are in addition to costs assessed under § 4-3-722.

SECTION 2. This act shall take effect July 1, 2003, the public welfare requiring it.